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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548



OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO: B-192782 (BRP)

DEC 27 1978

Mr. Casimiro R. Lucas
Service Officer
Col. Stotsenberg Chapter No. 14
Disabled American Veterans
713 Quezon Drive, Dau Checkpoint
Mabalacat, Pampanga, Philippines

CNT 769

Dear Mr. Lucas:

Reference is made to your letter of June 23, 1978, as duly authorized agent, in which you request favorable action with respect to the claim of Mr. Juan Lacsina, a former employee of the United States Government, for [additional pay and allowances] allegedly due under the provisions of the Missing Persons Act, Public Law 77-490, March 7, 1942, 56 Stat. 143, as amended by Public Law 85-217, August 29, 1957, 71 Stat. 491.

The record discloses that on December 8, 1941, Mr. Lacsina sustained an injury while employed by the Post Quartermaster, Department of the Army, Clark Field, Pampanga, Philippine Islands. He was paid full wages during the period of his temporary total disability from December 3, 1941, to February 28, 1946, under Public Law 77-490. The award letter from the then-titled Federal Security Agency stated that a check in the amount of \$233.42 representing payment of compensation for the period March 4, 1945, to August 31, 1946, was to be mailed to Mr. Lacsina in a short time. Beginning on September 30, 1946, checks in the sum of \$13.04 monthly were to be mailed to him until the amount was fully paid. The award was to expire on April 7, 1951.

By letter dated July 16, 1977, received in this Office on July 27, 1977, and on behalf of Mr. Lacsina, you requested that a correct recomputation be made of the amount involved covering the period in question. Therefore, the General Accounting Office had no notice of Mr. Lacsina's claim until July 27, 1977, more than 35 years after it first accrued. By letters dated April 5 and May 16, 1978,

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you were informed by our Claims Division that Mr. Lacsina's claim is barred by the act of October 9, 1940, 54 Stat. 1061, as amended by Public Law 93-604, approved January 2, 1975, 88 Stat. 1965, now codified at 31 U.S.C. 71a (1976). A copy of the act was enclosed in each letter.

Section 71a, title 31, United States Code, provides, in pertinent part, that every claim or demand against the United States cognizable by the General Accounting Office shall be forever barred unless such claim is received in this Office within 6 years after the date such claim first accrued. It is well-established that the filing of a claim in the administrative office concerned does not meet the requirement of the barring act of October 9, 1940, as amended, and presently codified in 31 U.S.C. 71a. 53 Comp. Gen. 148, 155 (1973). This Office has also held that the date of accrual of a claim for the purpose of the above-cited statute is to be regarded as the date the services were rendered and that the claim accrues upon a daily basis. 29 Comp. Gen. 517 (1950).

Inasmuch as Mr. Lacsina's claim first accrued on December 8, 1941, a period far in excess of 6 years prior to the filing a claim with the General Accounting Office, under the express provisions of the law, his claim is forever barred and may not be considered by this Office.

Sincerely yours,

Robert L. Higgins

Robert L. Higgins
Assistant General Counsel